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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/521489 ✓ Confirmation No. N/A  
Applicant : Reinhard Gosslinghoff  
Filed : January 18, 2005  
TC/A.U. : N/A  
Examiner : N/A  
  
Title : METHOD AND DEVICE FOR FORMING HORIZONTAL  
STACKS OF PRINTED PRODUCTS AND SECURING  
SAID STACKS WITH STRAPS  
  
Docket No. : FRR-15866  
Customer No. : 040854

LETTER

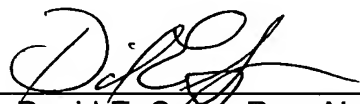
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Enclosed herewith is an English translation of the International Preliminary Examination Report for filing in the above-identified application.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By   
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

  
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Date

David E. Spaw  
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Translation

TENT COOPERATION TREATY

PCT/CH2003/000370



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|  |   |   |
|--|---|---|
| Applicant's or agent's file reference<br>P2057 PCT   | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |   |
| International application No.<br>PCT/CH2003/000370   | International filing date (day/month/year)<br>11 June 2003 (11.06.2003)   | Priority date (day/month/year)<br>19 July 2002 (19.07.2002) |
| International Patent Classification (IPC) or national classification and IPC<br>B65B 27/08, B65H 31/30, 33/02, 31/06 |   |   |
| Applicant<br>FERAG AG  |   |   |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

|   |  |
|---|--|
| Date of submission of the demand<br>21 June 2003 (21.06.2003) | Date of completion of this report<br>09 June 2004 (09.06.2004) |
| Name and mailing address of the IPEA/EP                       | Authorized officer   |
| Facsimile No.   | Telephone No.  |

Form PCT/IPEA/409 (cover sheet) (July 1998)

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000370

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-17 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_ 1-18 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
pages \_\_\_\_\_ 1/7-7/7 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

|                               |        |      |     |
|-------------------------------|--------|------|-----|
| Novelty (N)                   | Claims | 1-18 | YES |
|                               | Claims |      | NO  |
| Inventive step (IS)           | Claims | 1-18 | YES |
|                               | Claims |      | NO  |
| Industrial applicability (IA) | Claims | 1-18 | YES |
|                               | Claims |      | NO  |

**2. Citations and explanations****Documents**

The following search report citations have been considered in the present report:

- D1: EP-A-0 623 542 (GRAPHIA HOLDING AG) 9 November 1994 (1994-11-09), mentioned in the application
- D2: FR-A-2 777 876 (REALISATIONS ETUDES ET COMMERCIALISATION...) 29 October 1999 (1999-10-29)
- D3: PATENT ABSTRACTS OF JAPAN Vol. 2000, No. 07, 29 September 2000 (2000-09-29) & JP 2000 118511 A (GUNZE LTD), 25 April 2000 (2000-04-25)
- D4: PATENT ABSTRACTS OF JAPAN Vol. 1996, No. 09, 30 September 1996 (1996-09-30) & JP 08 113210 A (DAINIPPON PRINTING CO LTD), 7 May 1996 (1996-05-07)

It is assumed that claims 1-18 fulfill the criteria set out in PCT Article 33(1).

Closest prior art: Document D1 describes a method and a device for forming and strapping horizontally arranged stacks of printed products, said method and device having the features contained in the preambles of claim 1 and claim 12, respectively, wherein a stationary loop channel

is provided that has a vertical part on the inlet side that must be lowered in order to load a stack to be strapped.

Problem: The invention addresses the problem of producing a simpler and more flexible method and a device that permits shorter cycle times for the strapping process.

Solution: The specific features of the method as defined in claim 1 refer to the movement diagonally to the stacking direction of the press jaws that are arranged on only one side of the conveying substrate and the relative movement diagonally to the stacking direction between an extended loop and the stack that is retained by the press jaws. Claim 12 defines a device with corresponding features that specify the arrangement of the press jaws and the loop channel.

Inventive Step: A simplification such as this is neither known from nor suggested by the available prior art. Document D2 discloses a device wherein the loop channel and the press jaws move diagonally relative to the stacking direction, but this is done in the context of the press jaws that can be lowered below and raised above the conveying substrate.

Documents D3 and D4 disclose other arrangements of press jaws and loop channels in which, in particular, no relative movement diagonally to the stacking direction between the press jaws and the loop channel can be seen. As a result, the prior art, particularly the international search report citations, does not provide a person skilled in this field with any motivation to single out any arbitrary features and modify them in such a way that the person arrives at the subject matter of claims 1 and 12.

Claims 2-11 and 13-18 are dependent upon claims 1 and 12, respectively, and thus fulfill all of the criteria set out in PCT Article 33(1).